

RECEIVED  
CENTRAL FAX CENTER  
MAY 29 2008

**IN THE CLAIMS:**

1. (Currently amended) A spinal stabilization system, comprising:  
an elongated stabilization device including an elongated outer member and an elongated inner member movably received in said outer member, said inner and outer members each including a curved configuration along a longitudinal axis that extends along a length of said stabilization device between a leading end and an opposite trailing end of said stabilization device, said stabilization device further maintaining said curved configuration when in a collapsed insertion configuration and an expanded engagement configuration, wherein said curved configuration forms an arc along a length of said stabilization device and said arc and said longitudinal axis are co-linear along said length in each of said collapsed insertion configuration and said expanded engagement configuration, said stabilization device including a cross-section along said length with said length and cross-section sized for positioning through a pathway formable from an opening in a lateral mass of a first vertebra and into the first vertebra, through a facet joint formed by an articular surface of the first vertebra and an articular surface of an adjacent bony structure, and into the adjacent bony structure.

2. (Original) The system of claim 1, wherein said stabilization device is a rigid rod.

Claims 3-8 (Cancelled)

9. (Currently amended) The system of claim 1, claim 8, wherein said elongated outer member includes a tapered leading end for insertion into the pathway, an opposite trailing end, and a passage extending therebetween.

10. (Previously presented) The system of claim 9, wherein said inner member is received in said passage, said inner member being movable between a first position wherein said leading end and said trailing end of said outer member are in said collapsed insertion configuration to a second position wherein at least one of said leading end and said trailing end of said outer member are in said expanded engagement configuration to engage bony tissue along the insertion pathway.

Preliminary Amendment  
Ser. No 10/795,880  
MSDI-260/PC853.00  
Page 2 of 11

11. (Currently amended) The system of claim 10, wherein each of said leading end and said trailing end of said outer member are expanded to engage bony tissue along the insertion pathway when said inner member is in said second position.

12. (Currently amended) The system of claim 10, wherein said inner member includes a leading end nose with a tapered profile and said leading end nose is enlarged relative to a body portion of said inner member, said body portion extending from said leading end nose to an opposite trailing end portion of said inner member, and said outer member includes an inner surface along said passage with a tapered portion adjacent said leading end of said outer member, wherein in said second position said leading end nose engages said tapered portion of said passage to expand said leading end of said outer member.

13. (Currently amended) The system of claim 12, wherein said trailing end portion of said inner member is enlarged relative to said body portion and includes an intermediate nose tapered between said enlarged trailing end portion and said body portion of said inner member, and said inner surface of said outer member includes an enlarged trailing end portion, wherein in said second position said intermediate nose of said inner member engages said inner surface of said passage at said enlarged trailing end portion of said outer member to radially expand said trailing end of said outer member.

14. (Original) The system of claim 13, wherein said inner member includes a threaded portion to threadingly engage a threaded portion of said inner surface along said passage.

15. (Original) The system of claim 13, wherein said intermediate nose and said leading end nose simultaneously engage respective portions of said inner surface of said passage to expand said leading end of said outer member and said trailing end of said outer member.

16. (Currently amended) The system of claim 10, wherein said inner member includes an enlarged trailing end portion and an intermediate nose tapered between said enlarged trailing end portion and a portion of said inner member extending from said enlarged trailing end portion,

wherein in said second position said intermediate nose of said inner member engages said outer member to expand said trailing end of said outer member into engagement with bony tissue along the pathway.

17. (Currently amended) The system of claim 1, wherein said length and cross-section of said stabilization device are ~~is~~ structured to extend through the pathway when the adjacent bony structure is a second vertebra.

18. (Currently amended) The system of claim 1, wherein said length and cross-section of said stabilization device are ~~is~~ structured to extend through the pathway when the adjacent bony structure is an occiput.

19. (Currently amended) The system of claim 1, wherein said length and cross-section of said stabilization device are ~~is~~ structured to extend through the pathway when the adjacent bony structure is a second vertebra, and the pathway is formed to extend through the second vertebra, through adjacent articular surfaces of the second vertebra and an occiput, and into the occiput.

20. (Currently amended) The system of claim 1, wherein ~~said stabilization device includes a leading end and a trailing end,~~ at least one of said leading end and said trailing end of said stabilization device is being expandable to engage adjacent bony tissue along the pathway.

21. (Previously presented) The system of claim 20, wherein each of said leading end and said trailing end is expandable.

Claim 22 (Cancelled).

23. (Withdrawn) The system of claim 1, further comprising:

a drill instrument including an outer shaft with a passage, a cutting device at a leading end of said outer shaft and a coupling member at a trailing end of said outer shaft for receiving a rotary force, further comprising a flexible inner member extending through said passage and coupling said cutting device to said coupling member, wherein said outer shaft includes a curved

configuration corresponding to the curved configuration of said stabilization device and being operable to form the pathway for receiving the stabilization device.

24. (Withdrawn) The system of claim 1, further comprising:

an insertion instrument releasably engageable to said stabilization device; and

a pair of anchors engageable to respective ones of the first vertebra and the adjacent bony structure, said insertion instrument being pivotally mountable to said pair of anchors and movable relative thereto to guide said stabilization device along an arc co-linear with the pathway.

25. (Currently amended) A spinal stabilization system, comprising:

an elongated stabilization device having a length extending including a curved configuration along a longitudinal axis between a leading end and an opposite trailing end, said stabilization device including a cross-section sized for positioning through a pathway formed through a joint between adjacent bony structures, said stabilization device including an elongated outer member and an elongated inner member, said inner member being movable in said outer member between a first position wherein said stabilization device includes a reduced profile for insertion in the pathway and a second position wherein said inner member engages said outer member to provide at least a portion of said stabilization device with an enlarged profile for engagement to bony tissue along the pathway, wherein said inner member and said outer member each include a curved configuration along said longitudinal axis that extends along said length of said stabilization device between said leading end and said opposite trailing end of said stabilization device, and in said curved configuration and each of said inner member and said outer member forms an arc that is co-linear with said longitudinal axis along said length of said stabilization device.

26. (Previously presented) The system of claim 25, wherein said length and cross-section are sized for positioning in the pathway when the pathway extends from an opening in a lateral mass of a first vertebra and into the first vertebra and through a facet joint formed by adjacent articular surfaces of the first vertebra and an adjacent bony structure and into the adjacent bony structure.

27. (Original) The system of claim 25, wherein said outer member includes a tapered leading insertion end, an opposite trailing end, and a passage extending therebetween for receiving said inner member.

28. (Currently amended) The system of claim 27, wherein in said first position said leading insertion end and said trailing end of said outer member are in a collapsed insertion configuration, and in said second position at least one of said leading insertion end and said trailing end are expanded to engage bony tissue along the pathway.

29. (Currently amended) The system of claim 28, wherein each of said leading insertion end and said trailing end of said outer member are expanded to engage bony tissue along the pathway when said elongated inner member is in said second position.

30. (Currently amended) The system of claim 27, wherein said inner member includes a body portion extending from a leading end nose that is enlarged relative to said body portion and said leading end nose includes a tapered profile, and said outer member includes an inner surface along said passage with a tapered portion adjacent said leading insertion end, wherein in said second position said tapered leading end nose engages said tapered portion of said passage to expand said leading insertion end of said outer member.

31. (Previously presented) The system of claim 30, wherein said inner member includes an enlarged trailing end portion opposite said leading end nose and an intermediate nose tapered between said enlarged trailing end portion and said body portion of said inner member, and said outer member includes an inner surface along said passage, wherein in said second position said intermediate nose of said inner member engages said inner surface of said passage to radially expand said trailing end of said outer member.

32. (Original) The system of claim 31, wherein said inner member includes a threaded portion to threadingly engage a threaded portion of said inner surface along said passage.

33. (Currently amended) The system of claim 31, wherein said intermediate nose and said leading end nose engage respective portions of said inner surface of said passage to expand said leading insertion end of said outer member and said trailing end of said outer member.

34. (Original) The system of claim 27, wherein said elongated inner member includes an enlarged trailing end portion and an intermediate nose tapered between said trailing end portion and a portion of said elongated inner member extending from said enlarged trailing end portion, wherein in said second position said intermediate nose of said elongated inner member engages said elongated outer member to expand said trailing end of said elongated outer member and engage bony tissue along the pathway.

35. (Previously presented) The system of claim 25, wherein said length and cross-section are sized for the adjacent bony structures to be first and second cervical vertebrae.

36. (Previously presented) The system of claim 25, wherein said length and cross-section are sized for the adjacent bony structures to be a first cervical vertebra and an occiput.

37. (Previously presented) The system of claim 25, wherein said length and cross-section are sized for the adjacent bony structures to be first and second cervical vertebrae and the occiput.

38. (Currently amended) The system of claim 25, wherein ~~said stabilization device includes a leading end and a trailing end~~, at least one of said leading end and said trailing end of said stabilization device is being expandable to engage bony tissue along the pathway.

39. (Original) The system of claim 38, wherein each of said leading end and said trailing end is expandable to engage bony tissue along the pathway.

Claims 40-54 (Cancelled)

55. (Currently amended) The system of claim 25, wherein said stabilization device ~~extends between a leading end and an opposite trailing end and said stabilization device~~ includes:

a concave curvature along a side thereof with said concave curvature extending from said leading end to said trailing end; and

a convex curvature opposite said side with said convex curvature extending along said stabilization device from said leading end to said trailing end.

56. (Previously presented) The system of claim 25, wherein said inner member includes a body portion extending between a leading end nose and an opposite trailing end portion, each of said leading end nose and said trailing end portion being enlarged relative to said body portion to engage said outer member in said enlarged profile.

57. (Currently amended) The system of claim 1, wherein said stabilization device ~~extends between a leading end and an opposite trailing end and said stabilization device~~ includes:

a concave curvature along a side thereof with said concave curvature extending from said leading end to said trailing end; and

a convex curvature opposite said side with said convex curvature extending along said stabilization device from said leading end to said trailing end.

58. (Currently amended) The system of claim 1, ~~wherein said stabilization device includes an inner member movably received in an outer member with said inner and outer members extending along said longitudinal axis~~, wherein said inner member includes a body portion extending between a leading end nose and an opposite trailing end portion, each of said leading end nose and said trailing end portion being enlarged relative to said body portion to engage said outer member in said expanded engagement configuration.